

HOUSE OF REPRESENTATIVES
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: 1-26-07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. WALTER MCNUTT, CHAIR	✓	
REP. RALPH HEINERT, VICE CHAIR	✓	
REP. RON ERICKSON, VICE CHAIR	✓	
REP. DUANE ANKNEY	✓	
REP. DEBBY BARRETT		✓
REP. JILL COHENOUR	✓	
REP. SUE DICKENSON	✓	
REP. BETSY HANDS	✓	
REP. GORDON HENDRICK	✓	
REP. CAROL LAMBERT	✓	
REP. SCOTT MENDENHALL	✓	
REP. JP POMNICHOWSKI	✓	
REP. JOHN ROSS	✓	
REP. VERONICA SMALL-EASTMAN		✓
REP. KENDALL VAN DYK	✓	
REP. CHAS VINCENT	✓	



HOUSE STANDING COMMITTEE REPORT

January 29, 2007

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Joint Resolution 5** (first reading copy -- white) **do pass**.

Signed: *Walter McNutt*
Representative Walter McNutt, Chair

- END -

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

190810SC.hjd

jbw
1/29/07



HOUSE STANDING COMMITTEE REPORT

January 29, 2007

Page 1 of 2

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **House Bill 39** (first reading copy -- white) **do pass as amended.**

Signed: *Walter McNutt Chair*
Representative Walter McNutt, Chair

And, that such amendments read:

1. Title, line 13.

Strike: second "AND"

2. Title, line 14.

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 1, lines 25 and 26.

Following: "information" on line 25

Strike: "in the clerk" on line 25 through "information" on line 26

4. Page 2, line 20.

Following: "closing"

Insert: "or transfer of real property"

5. Page 2, line 25.

Following: "closing"

Insert: "or upon completion of the transfer of real property"

6. Page 3, lines 12 through 19.

Strike: subsection (6) in its entirety

Insert: "(6) If the realty transfer certificate submitted with a deed or other instrument indicates that a water right is being severed, divided, or exempted, the clerk and recorder may not record the deed or instrument unless there is submitted with the deed or instrument a certification under penalty of false swearing, on a form provided by the

Committee Vote:

Yes 16, No 0

Fiscal Note Required ____

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department and signed by the transferor and transferee, that either states:

(a) that the documents and fee necessary to comply with this section are held in escrow, in which case the certification must also be signed by the escrow agent; or

(b) if there is no escrow, that the transferor and transferee certify that they have prepared the required documents and will send the required documents and fee to the department within 5 business days of recording, in which case the certification must also require the transferee to acknowledge that failure to file the appropriate documents and fee with the department will result in the department assessing the penalty in 85-2-431 against the transferee.

(7) Any written agreement to transfer land that has appurtenant water rights on record with the department must contain the following disclosure or words of a similar nature:

"WATER RIGHT OWNERSHIP UPDATE DISCLOSURE: By Montana law, failure of the parties at closing or transfer of real property to pay the required fee to the Montana Department of Natural Resources and Conservation for updating water right ownership may result in the transferee of the property being subject to a penalty. Additionally, in the case of water rights being exempted, severed, or divided, the failure of the parties to comply with section 85-2-424, MCA, could result in a penalty against the transferee and rejection of the deed for recording."

7. Page 3, line 25.

Strike: "real estate"

Insert: "realty"

8. Page 4, line 6.

Following: "district."

Insert: "At the discretion of the department, the judgment may be certified to the district court in the county where the real property is located."

9. Page 4, line 9.

Insert: "NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2008."

- END -

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE NATURAL RESOURCES COMMITTEE** TABLED **HB 104**, by motion, on **Friday, January 26, 2007**.

Nancy Kraft
(For the Committee)

ipm
(Chief Clerk of the House)

7:45 / 1/29
(Time) (Date)

January 29, 2007

Nancy Kraft, Secretary

Phone: 444-7353

HOUSE OF REPRESENTATIVES

Roll Call Vote

NATURAL RESOURCES COMMITTEE

DATE 1-26-07 BILL NO. HB 104 MOTION NO. 1
 MOTION: _____

NAME	AYE	NO	ABSENTEE
REP. WALTER MCNUTT, CHAIR		✓	
REP. RALPH HEINERT, VICE CHAIR		✓	
REP. RON ERICKSON, VICE CHAIR		✓	
REP. DUANE ANKNEY		✓	
REP. DEBBY BARRETT		✓	✓
REP. JILL COHENOUR		✓	
REP. SUE DICKENSON	✓		
REP. BETSY HANDS	✓		
REP. GORDON HENDRICK		✓	
REP. CAROL LAMBERT		✓	
REP. SCOTT MENDENHALL		✓	
REP. JP POMNICHOWSKI		✓	
REP. JOHN ROSS		✓	
REP. VERONICA SMALL-EASTMAN	✓		✓
REP. KENDALL VAN DYK		✓	
REP. CHAS VINCENT		✓	

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Ron Erickson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HJ 5	✓	
Amend to HJ 39 01	✓	
Amend " " 03	✓	
HB 39	✓	
HB 104	✓	

BILL/AMENDMENT	AYE	NO

Rep. Veronica Small-Eastman
(Signature)

Date 1/26/07

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Debby Barrett

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HJR 5	X	
HB 3901. app	X	
HB 3903. AK	X	
HB 391	X	
HB 104	X	X

BILL/AMENDMENT	AYE	NO

Rep. Debby Barrett
(Signature)

Date 1/26/07

**Montana House of Representatives
Visitors' Register**

NATURAL RESOURCES COMMITTEE

Date 1-26-07

Bill Nos. HB 259; HJ 5 Sponsor(s) Rep. Reinhart & Rep. Lange

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Name	Representing	Bill No.	Support	Oppose	Info.
Mike Murphy	MWRA	HJ 5	X		
Raina Phillips	Sierra Club	HB 259	X		
For Russell	FLAMINGO C-C NORTH LN DRIFT			X	X
Terry Murphy	Lake County	HB 259		X	
Christine Hughes	Lake County	HB 259		X	
Steve Kilbreth	DEP	HB 259			X
Tyler Evlbizer	S.A.V.E. Foundation	HB 259	X		
Jeff Nagener	FWRP	HJ 5	X		
Candace West	AG's Ofc.	HJ 5	X		
Bob Clark	Sierra club, MT.	HB 259	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.